

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JAMES C MCGUIRE

DATE: 02/07/05 TIME: 8:30 DEPT: MPR

CASE #: MC MS00105

CASE NAME: Conservatorship of CATHERINE POKORNY

HEARING:

Hearing re Final Discharge

COUNSEL:

PAUL MATRANGA (PET)...PRO/PER

CATHERINE POKORNY (CEP)...

AUGUSTINE J. BAGAROZZI (SC)...SCOTT A BOURDELAIS

GENERAL INFORMATION:

This case is set for hearing on Final Discharge

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

Nothing filed.

RECOMMENDATION:

Court must send written notice to conservator and attorney of record directing that the account be filed. Set hearing within 60 days. Any failure to file the account will then constitute contempt and punishable as set forth in PC 2620.2.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JAMES C MCGUIRE

DATE: 02/07/05 TIME: 8:30 DEPT: MPR

CASE #: MG MS00382

CASE NAME: GUARDIANSHIP OF DANIEL U. MIRANDA

HEARING:

Petition for Appointment of Guardian

COUNSEL:

DAVID SHELTON (PET)...PRO/PER
DANIEL U MIRANDA (MIN)...
COURT INVESTIGATOR'S OFFICE (AGN)...
DEPARTMENT OF CHILDREN'S SERVI(AGN)...

GENERAL INFORMATION:

This case is set for hearing on Petition for Guardianship, person only, by non-relative (godfather), minor 2

On 12-20-04, the father (Jose Miranda) appeared. He has returned from Iraq. According to documents filed in a Hawaii court, the father is seeking divorce from his wife. His wife allegedly fled from Hawaii and moved to Canada without his knowledge.

This court granted temporary guardianship to non-relative (and stranger to child?) on 11-1-04. The mother and minor were residing in Winnipeg. The minor had been in the system earlier due to mother's intoxication and had been placed with the maternal grandmother. The child was later returned to the mother and then picked up again because of another issue re: intoxication. The child's mother also witnessed a murder and was in no state to have the minor returned, so a 6 month protective order was issued as to the minor. After the murder, the maternal grandmother returned to California. The mother also returned to California, allegedly to live with the petitioner or in military housing. Both the petitioner and the father are in the military.

On 12-13-04, father appeared to object. Father given supervised visitation daily. Minor was not to be removed from Morongo Basin.

On 12-20-04, court referred matter to DCS/CI for report. No report received yet. (DCS would be the most likely source of the report, as this petition involves a non-relative). Visitation continues with father and mother given supervised visitation on Saturdays.

The original petition alleges that the father was violent, suggesting that separation in 2002 was due to violence. Court may wish to make inquiry of petitioner as to personal knowledge re: violence.

If the court finds that the father does not present a danger to the minor, then there is no need for a guardianship. Questions remain as to whether the father has been sufficiently bonded with minor and whether visitation should continue. On the other hand, if the temporary guardian has only had contact with the minor for a few months himself, there may be no reason to delay the transfer to the father. The best interests of the child regarding bonding/visitation should be observed.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. No DCS/CI report.

RECOMMENDATION:

None

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JAMES C MCGUIRE

DATE: 02/07/05 TIME: 8:30 DEPT: MPR

CASE #: MG MS00384

CASE NAME: G'SHIP OF BRYCE D KLIEVER & SAVANNA PHELPS

HEARING:

Petition for Appointment of Guardian

COUNSEL:

| | |
|-----------------|-----------------|
| TRACY SELBY | (PET)...PRO/PER |
| BRYCE D KLIEVER | (MIN)... |
| SAVANNA PHELPS | (MIN)... |

GENERAL INFORMATION:

This case is set for hearing on Petition for Guardianship, person only, by maternal aunt, minors 4 & 2

Continued from 11-29-04. Court informed that Riverside case will be dismissed.

Continued hearing for correction of notes. Nothing new filed.

Continued from 1-3-05. NO APPEARANCE

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Court to note that mail addressed to the petitioner at her stated residence was RETURNED. It appears that the petitioner lives in an area with no residence delivery for mail and that mail must be sent to Post Office Box. Court should verify with petitioner under oath as to her current residence address and her post office box.
2. Mother is addicted to methamphetamine and is not in a program.
3. Father of oldest minor has not participated in minor's life. Father of younger minor (Savanna) may be currently involved in a Family Law court case. Court needs to inquire as to status of Savanna Phelps and whether there has been a ruling in the family law case. The petition includes a copy of a Stipulation to Terminate Parental Rights of Father, which has been signed by father. Court needs to determine if this order was entered in MFL 07461. **{Note indicates that it was entered on 6-7-04}**

4. There have been allegations of abuse to oldest minor by the wife of Savanna Phelps' father (stepfather's wife). CPS report not conclusive and their file was closed when the guardianship petition was filed.
5. Mother signed waiver and consent.
6. Need to file proof of personal service on father of Bryce.
7. Need to file proof of personal service on father of Savanna. It appears that he is not in California (either in a different state or in Iraq.). Certified mail, return receipt requested sufficient.
8. Need to complete section of Petition relating to the grandparents of the minors. Need information as to both minors (paternal and maternal grandparents).
9. Need to file proof of mailed service on CI and the grandparents.
10. Riverside Court Investigators have prepared a report positive for this guardianship.

RECOMMENDATION:

If no appearance again, dismiss petition without prejudice.

Need to complete petition and notice. Did not file proposed order, just proposed letters.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JAMES C MCGUIRE

DATE: 02/07/05 TIME: 8:30 DEPT: MPR

CASE #: MG MS00387

CASE NAME: GUARDIANSHIP OF JESSE M. THEIS

HEARING:

Petition for Appointment of Guardian

COUNSEL:

| | |
|-----------------------------|-----------------|
| GLORIA R FRANKS | (PET)...PRO/PER |
| JESSE M THEIS | (MIN)... |
| CAROL L CARTER | (MIN)... |
| DANIEL R CARTER | (MIN)... |
| GINGER CARLONE | (MIN)... |
| COURT INVESTIGATOR'S OFFICE | (AGN)... |

GENERAL INFORMATION:

This case is set for hearing on Petition for Guardianship, person only, by maternal grandmother, minors 16 (Jesse), 14 (Carol), 12(Daniel) & 10 (Ginger)
Continued from 11-22-04. Nothing new filed

Continued from 1-3-05. Father Andy Carter appeared. CI to conduct home study on both petitioner and Andy Carter.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Temporary letters issued 11-8-04.
2. Court to review Confidential Screening Form and Cletts report. If the Court has a concern regarding the petitioner, Court may wish to request that the Court Investigator complete a home study on the petitioner. **Waiting for report.**
3. Mother is deceased.
4. Father of Jesse is Ralph Theis. He is reported to be unlocateable.
5. Father of Carol & Daniel is Andrew Carter. He is reported to be incarcerated. **This appears to not be true at this time. Question whether other statements regarding Ralph Theis are true.**

6. Father of Ginger is reported to be unknown. **File birth certificate.**
7. Need information regarding paternal grandparents of each minor. Need information regarding maternal grandfather. Are there other siblings?
8. Need to file proof of personal service on all fathers or due diligence or birth certificate showing unknown.
9. Need to file proof of personal service on Jesse, Carol & Daniel.

RECOMMENDATION:

Need CI report.

Need notice and to clear notes

See MFL 04803 (attached)

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JAMES C MCGUIRE

DATE: 02/07/05 TIME: 8:30 DEPT: MPR

CASE #: MG MS00391

CASE NAME: GUARDIANSHIP OF TREVOR HOBART & ELISE FISHER

HEARING:

Petition for Appointment of Guardian

COUNSEL:

| | |
|---------------|-----------------|
| KEVIN HOBART | (PET)...PRO/PER |
| LINDA HOBART | (PET)...PRO/PER |
| TREVOR HOBART | (MIN)... |
| ELISE FISHER | (MIN)... |

GENERAL INFORMATION:

This case is set for hearing on Petition for Guardianship, person only, by maternal grandparents, minors 6 & 3

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Temporary letters issued on 1-13-05.
2. Fathers stated to be unknown. File copy of birth certificate. If the father(s) are named, will need to personally serve and also serve the paternal grandparents.
3. Need to file proof of personal service on mother.
4. Need to file proof of mailed service on CI.

RECOMMENDATION:

Need notice and fathers issue resolved.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JAMES C MCGUIRE

DATE: 02/07/05 TIME: 8:30 DEPT: MPR

CASE #: MPRMS00980

CASE NAME: THE MATTER OF THOMAS EDWARD ROCK

HEARING:

Hearing re: PETITION FOR EXTRAORDINARY FEES

COUNSEL:

| | | |
|--------------------|----------|--------------------------------|
| NANCY R WORKS | (PET)... | DONAHUE,MCINTOSH AND HAMMERTON |
| THOMAS EDWARD ROCK | (DEC)... | |
| CATHERINE TAFOLLA | (OBJ)... | PRO/PER |

GENERAL INFORMATION:

This case is set for hearing on Petition for Extraordinary Fees relating to filing of receipts, due to family fight regarding asset distribution. Seeking the balance of \$1380 in additional attorney fees.

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. It does not appear that this court has jurisdiction to enter an order post-discharge. If the petitioner disagrees, file Ps & As.
2. The receipts filed indicating that all persons received their money. How can there be any money left over? Did the beneficiaries not know of this "reserve"? File declaration (assuming going forward, see note 1)

RECOMMENDATION:

Need Ps & As, declaration

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JAMES C MCGUIRE

DATE: 02/07/05 TIME: 8:30 DEPT: MPR

CASE #: MPRMS00994

CASE NAME: ESTATE OF ELEANOR NELSON

HEARING:

OSC re: FILING OF INVENTORY & APPRAISAL

COUNSEL:

MURL WENDELL NELSON JR. (PET)...SMITH & SMITH LLP.
ELEANOR NELSON (DEC)...SMITH & SMITH LLP.

Off-Calendar. Filed Supplemental I & A

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JAMES C MCGUIRE

DATE: 02/07/05 TIME: 8:30 DEPT: MPR

CASE #: MPRMS01055

CASE NAME: Estate of ALBERT T. LOGAN, JR.

HEARING:
Accounting Review

COUNSEL:

LINDA G. LOGAN (PET)...ROBERT L KERN
MARLENE K. YRUNGARAY (PET)...V.J. MCALPIN
ALBERT T. LOGAN JR (DEC)...

Off-Calendar. Final Distribution Order already signed.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JAMES C MCGUIRE

DATE: 02/07/05 TIME: 8:30 DEPT: MPR

CASE #: MPRMS01113

CASE NAME: ESTATE OF RONALD JAMES HOPKINS

HEARING:

Hearing re: OSC re: Accounting Review

COUNSEL:

CONNIE L EAGLETON (PET)...IGNAZIO FICARA
RONALD JAMES HOPKINS (DEC)...

GENERAL INFORMATION:

This case is set for hearing on Accounting Review

Set on 1-3-05 at time real property sold, which was last reason for not filing the Final Accounting

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

No accounting filed.

RECOMMENDATION:

Find out status.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JAMES C MCGUIRE

DATE: 02/07/05 TIME: 8:30 DEPT: MPR

CASE #: MPRMS01120

CASE NAME: ESTATE OF LAWRENCE G. WALKER

HEARING:
OSC re: Review

COUNSEL:
JAMES E. HOLLY (PET)...PERRY
LAWRENCE GLEN WALKER (DEC)...

GENERAL INFORMATION:
This case is set for hearing on Accounting Review OSC
Continued from 9-27-04 and 11-01-04

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:
No accounting filed.

RECOMMENDATION:
Find out status.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JAMES C MCGUIRE

DATE: 02/07/05 TIME: 8:30 DEPT: MPR

CASE #: MPRMS01129

CASE NAME: IN THE MATTER OF DAVID WITTWER

HEARING:

Hearing re: PET'N FOR FNL APPROVAL OF FINAL REPORT, ACCNTING

COUNSEL:

RACHEL ANN WITTWER (PET)...BARBARA G. KNOX
DAVID WITTWER (DEC)...

GENERAL INFORMATION:

This case is set for hearing on Final Approval of Final Report and OSC re: Accounting
(continued from 12-6-04 with sanctions dismissed)

Continued from 1-3-05. No appearance. Supplement filed on 1-26-05

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Administrator waives statutory compensation.
2. Attorney waives statutory fees.
3. One of the heirs is a minor and supplement indicates that mother will be custodian and take custody over property pursuant to Uniform Transfers to Minor Act (PC 3900 et seq.) The assets at issue are personal property and real property. The Court should set an OSC re: Proof of Transfer to Custodian to make sure that the title of the property is properly recorded/stated per the statute. Also, when a transfer to a custodian is for property in excess of \$10,000, the court must authorize the transfer and find that it is in the best interests of the minor. (Minor will turn 18 in November).

RECOMMENDATION:

RFA. Will need to submit new proposed order that corrects distribution as going through custodian. Set OSC re: Transfer to Custodian for 4-4-05. Set hearing for filing of receipts and final discharge for 1-9-06.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JAMES C MCGUIRE

DATE: 02/07/05 TIME: 8:30 DEPT: MPR

CASE #: MPRMS01140

CASE NAME: ESTATE OF SUZANNE ROCHELLE PIFFL

HEARING:

OSC re: Contempt

COUNSEL:

STACIE RENEE SAMUELS (PET)...DAVID JUSTIN LYNCH & ASSOCIATE
SUZANNE ROCHELLE PIFFL (DEC)...

GENERAL INFORMATION:

This case is set for hearing on OSC re: Contempt

On 7-19-04, court sanctioned attorney \$1000. Had not filed I & A and no appearance.

Writ petition filed; this court has decided to refund the sanctions. This OSC re: Contempt was then set.

Status currently: A partial I & A has been filed for bank account. Declaration filed regarding the filing of legal malpractice action. Declaration filed regarding the possibility of pension benefits which might be part of estate. Court has granted motion to issue subpoena in Arizona.

Continued from 10-04-04 because of no stipulation to Pro Tem.

Filed a Report on 9-30-04

On 11-8-04, Attorney Lynch appeared and requested that all pending matters be continued to 2-7-05. Depositions are scheduled.

RECOMMENDATION:

Find out status of I & A and accounting.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JAMES C MCGUIRE

DATE: 02/07/05 TIME: 8:30 DEPT: MPR

CASE #: MPRMS01218

CASE NAME: ESTATE OF DAVID HAYNIE

HEARING:

Hearing re: 1ST & FNL ACCOUNT & REPORT PETN FOR FNL DISTRIBUTI

COUNSEL:

SCHELLI HENDERSON (PET)...IGNAZIO
DAVID HAYNIE (DEC)...

GENERAL INFORMATION:

This case is set for hearing on Final Account

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Minors are receiving property. Final Report indicates distribution per custodian (per Uniform Transfer to Minors Act). OK Each interest is less than \$10,000 and will be in cash.
2. Request for statutory fees and commissions incorrect by one dollar. The correct amount is \$2894.54. However, the proposed order uses the correct figure and may be signed, as is.

RECOMMENDATION:

RFA. Set hearing for 4-4-05 for proof of transfer to custodian (bank account?). Set hearing for filing of receipts and final discharge for 1-9-06.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JAMES C MCGUIRE

DATE: 02/07/05 TIME: 8:30 DEPT: MPR

CASE #: MPRMS01254

CASE NAME: MATTER OF THE VIRGINIA J. BEISER REVOCABLE TRUST

HEARING:

Hearing re: PET'N FOR REMOVAL OF CURRENT TRUSTEE & APPOINT NEW

COUNSEL:

KANSAS STATE UNIVERSITY FOUNDA(PET)...TAYLOR L. CLARK

K.S.U. COLLEGE OF VETERINARY M(PET)...TAYLOR L. CLARK

IRA (DEF)...

IRA N. TUCK TRUSTEE ()...

File not available for review.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JAMES C MCGUIRE

DATE: 02/07/05 TIME: 8:30 DEPT: MPR

CASE #: MPRMS01287

CASE NAME: ESTATE OF THOMAS ELAM NORVILLE

HEARING:

Hearing Re: SPOUSAL PROPERTY PETITION.

COUNSEL:

MARY L NORVILLE (PET)...IGNAZIO

GENERAL INFORMATION:

This case is set for hearing on Spousal Property Petition
Continued from 1-3-05, requested continuance

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need to file verified supplement to comply with all the requirements of PC 13651, such as
 - a. the facts upon which the petitioner bases the allegation that all or part of the estate passes to surviving spouse (need facts to show if community, and if separate property, facts to establish that spouse is sole heir).
 - b. the list of intestate heirs (subsection 5)

RECOMMENDATION:

Need to file verified supplement.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JAMES C MCGUIRE

DATE: 02/07/05 TIME: 8:30 DEPT: MPR

CASE #: MPRMS01307

CASE NAME: MATTER OF GOLDEN MAY WOODS

HEARING:

Petition to determine succession to Real Property

COUNSEL:

ROBERT WOODS (PET)...BENJAMIN H BERKLEY
GOLDEN MAY WOODS (DEC)...

GENERAL INFORMATION:

This case is set for hearing on Petition to Determine Succession

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. PC 13152(b) requires that the probate referee be appointed for the county where the property is located. The I & A was signed by an Orange County referee. File supplement with Ps & As to support the correctness of the I & A or file new I & A with San Bernardino County probate referee.
2. The claim for succession is based upon a will. The will provides for \$1000 to Ruth Morris and that the residuary property to go to the 4 sons. The petition indicates that one son is deceased. Need information regarding date of death and effect of his death. Does the deceased son's heir take?
3. There is no money under this petition. It appears that Ruth is asking for a \$1000 lien on the real property. Please file verified supplement explaining why this is an appropriate order when the question is succession to the real and personal property.

RECOMMENDATION:

Need to clear notes.

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JAMES C MCGUIRE

DATE: 02/07/05 TIME: 8:30 DEPT: MPR

CASE #: MPRMS01308

CASE NAME: MATTER OF RUTH SILLEMON WILLIAMS

HEARING:

Petition to determine succession to Real Property

COUNSEL:

THOMAS ADAMS (PET)...IGNAZIO
RUTH SILLEMON WILLIAMS (DEC)...

GENERAL INFORMATION:

This case is set for hearing on Petition to Determine Succession

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

None

RECOMMENDATION:

RFA

CIVCAL4

PROBATE/GUARDIANSHIP/CONSERVATORSHIP CALENDAR

HONORABLE JUDGE JAMES C MCGUIRE

DATE: 02/07/05 TIME: 8:30 DEPT: MPR

CASE #: MPRMS01309

CASE NAME: MATTER OF JANET W. EBELING

HEARING:

Petition to determine succession to Real Property

COUNSEL:

| | | |
|------------------|----------|----------------|
| RONALD A EBELING | (PET)... | MARK S MAHONEY |
| JANET W EBELING | (DEC)... | |

GENERAL INFORMATION:

This case is set for hearing on Petition to Determine Succession

THE FOLLOWING ISSUES AND/OR DEFICIENCIES IN THE PAPERS ARE NOTED:

1. Need to complete box 9a3 re: issue of predeceased child.
2. The claim for succession is based upon intestacy. There are 2 sons. Edward Ebeling has filed a "disclaimer" of interest to the brother. A disclaimer has the legal effect of changing succession. The person disclaimed is treated as if he is dead. So if one does a disclaimer, then the interest goes to the person who would inherit from the person doing the disclaimer, such as issue. If an assignment of the interest was intended to transfer the interest to the petitioner/brother, then this disclaimer is not effective for that purpose.
3. Need to file verified supplement explaining what is intended. If disclaimer, then need to know who should inherit the property. If assignment, will need to explain why the disclaimer was not effective and non-revocable upon execution, per Probate Code Section 281.

RECOMMENDATION:

Need verified supplement.